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Oceans and the law of the sea: law of the sea

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Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 50/23 of 5 December 1995, 51/34 of 9 December 1996 and 52/26 of 26 November 1997 adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea[1] ("the Convention") on 16 November 1994,

Recalling also its resolution 2749 (XXV) of 17 December 1970, and considering that the Convention, together with the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"),[2] provides the regime to be applied to the Area and its resources as defined in the Convention,

Emphasizing the universal character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

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[1] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[2] Resolution 48/263, annex.

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Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Noting with satisfaction that oceans and seas will be the sectoral theme discussed at the seventh session of the Commission on Sustainable Development, in 1999,

Reaffirming the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[3] as well as in the Programme for the Further Implementation of Agenda 21, in particular paragraph 36 thereof dealing with oceans and seas,[4]

Recalling that, by its resolution 49/131 of 19 December 1994, it proclaimed 1998 the International Year of the Ocean,

Noting with satisfaction the increase in the number of States parties to the Convention and the Agreement,

Recognizing the impact on States of the entry into force of the Convention and the Agreement and the increasing need, particularly of developing States, for advice and assistance in their implementation in order to benefit thereunder,

Taking note with concern of the financial situation of the International Seabed Authority and of the International Tribunal for the Law of the Sea,

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Conscious also of the importance of education and training in the field of ocean affairs and the law of the sea,

Taking account of the importance of reliable hydrographic and nautical information to enhance the safety of navigation,

Expressing its concern at the increasing threat to shipping from piracy and armed robbery at sea and its appreciation and support for the ongoing work of the International Maritime Organization in this area,

Expressing its appreciation once again to the Secretary-General for his efforts in support of the Convention and in its effective implementation, including providing assistance in the functioning of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 and 52/26, and emphasizing the importance of the performance of such responsibilities for the effective and consistent implementation of the Convention,

Taking note of the report of the Secretary-General,[5] and reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

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[3] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[4] Resolution S-19/2, annex.

[5] A/53/456.

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement;

2. *Reaffirms* the unified character of the Convention;

3. *Calls upon* States to harmonize as a matter of priority their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention and to withdraw any of their declarations or statements that are not in conformity;

4. *Encourages* States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

5. *Requests* the Secretary-General to convene the Meeting of States Parties to the Convention in New York from 19 to 28 May 1999, during which, on 24 May 1999, the election of seven judges of the International Tribunal for the Law of the Sea ("the Tribunal") will take place;

6. *Notes with satisfaction* that the Tribunal, established in accordance with Annex VI to the Convention as a new means for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, delivered its first judgement on 4 December 1997;

7. *Encourages* States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States to note the provisions of Annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

8. *Requests* the Secretary-General to circulate lists of conciliators and arbitrators drawn up and maintained in accordance with Annexes V and VII to the Convention and to update these lists accordingly;

9. *Notes with satisfaction* the progress in the work of the International Seabed Authority ("the Authority"), and emphasizes the importance of continued progress towards the adoption of the regulations on prospecting and exploration for polymetallic nodules;

10. *Notes with appreciation* the adoption of the Agreement concerning the Relationship between the United Nations and the Authority and the Agreement on Cooperation and Relationship between the United Nations and the Tribunal;

11. *Appeals* to all members of the Authority and all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal, respectively, in full and on time in order to ensure that they are able to carry out their functions as provided for in the Convention;

12. *Notes with satisfaction* the progress in the work of the Commission on the Limits of the Continental Shelf ("the Commission") during its third[6] and fourth[7] sessions, held in May and August/September 1998, in adopting its rules of procedure and in adopting provisionally its scientific and technical guidelines aimed at assisting States to prepare their submissions regarding the outer limits of their continental shelf;

[6] CLCS/7.

[7] CLCS/9.

13. *Approves* the convening by the Secretary-General of the fifth and sixth sessions of the Commission in New York from 3 to 14 May and from 30 August to 3 September 1999, respectively;

14. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea[5] and for the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28 and 52/26;

15. *Requests* the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions under the Convention and other competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

16. *Also requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including those mentioned in paragraph 11 of resolution 52/26, and to ensure that the performance of such activities is not adversely affected by savings as may be realized under the approved budget for the Organization;

17. *Notes with appreciation* the continued efforts of the Division for Ocean Affairs and the Law of the Sea to provide timely information on the oceans, marine affairs and the law of the sea through its Web site on the Internet;[8]

18. *Reaffirms* the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary-General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

19. *Invites* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in resolution 35/116 of 10 December 1980, and to support the training activities under the TRAIN-SEA-COAST programme of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs;

20. *Notes with interest* the ongoing work of the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention, relating to the protection of the underwater cultural heritage, and stresses the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of the Convention;

21. *Invites* States to cooperate in carrying out hydrographic surveys and nautical services for the purpose of ensuring safe navigation as well as to ensure the greatest uniformity in charts and nautical publications and to coordinate their activities so that hydrographic and nautical information is made available on a worldwide scale;

22. *Urges* all States, in particular coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea and to investigate or cooperate in the investigation of such incidents wherever

[8] www.un.org/Depts/los.

they occur and bring the alleged perpetrators to justice, in accordance with international law;

23. *Calls upon* States to cooperate fully with the International Maritime Organization to combat piracy and armed robbery against ships, including by submitting reports on incidents to that Organization;

24. *Takes note* of the work of the Independent World Commission on the Oceans, and of its report entitled *The Ocean ... Our Future*, and welcomes its issuance in the context of the International Year of the Ocean;

25. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

26. *Reaffirms also* its decision, in resolution S-19/2 of 28 June 1997, to consider the results of the review by the Commission on Sustainable Development of the sectoral theme of oceans and seas in 1999, under its agenda item "Oceans and the law of the sea";

27. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to circulate the report sufficiently in advance of consideration by the General Assembly of the item concerning oceans and the law of the sea;

28. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Oceans and the law of the sea".